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09/963,630	09/26/2001	Philippe Gentric	PHFR 000100	9728

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EXAMINER

SHIN, KYUNG H

ART UNIT PAPER NUMBER

2143

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,630

Applicant(s)

GENTRIC, PHILIPPE

Examiner

Kyung H. Shin

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responding to application RCE filed 12/8/2005.
2. Claims **1 - 20** are pending. Claims **1, 8, 9** have been amended. Independent claims are **1, 8, 16**.

Response to Arguments

3. Applicant's arguments filed 10/11/05 have been fully considered but they are not persuasive.

- 3.1 Applicant argues that the multiple dependencies for claims were not removed.
(see Remarks Page 7, Lines 15-19)

Only amended claims can be modified during a non-final to final transition for Examiner Office Action processing. The next Office Action will remove the multiple dependencies.

- 3.2 Applicant argues that the referenced prior art does not disclose “... *receiving a plurality of programs and providing simultaneously to each of a plurality of receiving devices a respective one of the plurality of programs* ...” (see Remarks Page 10, Lines 28-30) ; “...*receiving a plurality of programs and providing simultaneously to each of a plurality of receiving devices a respective one of the plurality of programs* ...” (see Remarks Page 11, Lines 20-22)

The examiner has considered the applicant's remarks concerning the

delivery of programs to receiving devices and reproduction devices. After an additional analysis of the applicant's invention, applicant's remarks, and a search of the available prior art, it is determined that the current set of prior art consisting of Ellis (6,774,926) and Killian (6,163,316) discloses the applicant's invention including disclosures in Remarks dated December 8, 2005.

A program is defined to be a scheduled radio or television show. The Ellis (6,774,926) prior art discloses a plurality of programs (see Ellis col. 1, lines 26-30: multiple programs), the plurality of programs provided simultaneously to each of the destinations (i.e. receiving devices) one of the programs. (see Ellis col. 1, lines 32-35: receive programs from channel (i.e. one program at a time))

- 3.3 Applicant argues that the referenced prior art does not disclose “... *providing simultaneously to each of a plurality of receiving devices a respective one of the plurality of programs; and providing one of the plurality of programs from the receiving devices to a reproduction element ...*” (see Remarks Page 11, Lines 27-31) ; “... *the selective providing of one of these programs to a reproduction device ...*” (see Remarks Page 12, Lines 18-19)

Applicant's Specification discloses that the reproduction element is connected to the output of a receiving device. (see Specification Paragraph [0020], Lines 3-4) Ellis discloses a reproduction device (i.e. video camera) connected to a destination (i.e. receiving device, personal computer) for the capture (i.e. reproduction) of a program. (see Ellis col. 3, lines 58-61; col. 6, lines 1-8: reproduction capability device connected to receiving device)

- 3.4 Applicant argues that the referenced prior art does not disclose “... *these are not switches and are certainly not a switch connected to a plurality of receiving devices ...*” (see Remarks Page 10, Lines 16-17)

By definition, a switch channels incoming data from multiple input ports to a output port that will take the data to its intended destination (i.e. one or more receiving devices).

(1. http://searchnetworking.techtarget.com/sDefinition/0,,sid7_gci213079,00.html)

Ellis discloses a system (i.e. a server, a device), which receives the input of programs and its transmission to a set of destination devices. This capability is analogous to a switch. (see Ellis col. 1, lines 30-32: server system; col. 1, lines 26-30: provide multiple programs transmitted to multiple destinations) Multiple program contributors operate to provide input (i.e. a plurality of programs, broadcast or Internet) for the Ellis (6,774,926) prior art. (see Ellis col. 1, lines 26-30: plurality of programs) Then, the resulting output is simultaneously transmitted to multiple destinations (i.e. receiving units). Each receiving unit receives one specific program at a time. (see Ellis col. 1, lines 32-35: receive programs from a channel (i.e. one program at a time))

Therefore, the rejection of claims 1-20 is proper and maintained herein.

Claim Rejection- 35 USC § 103

The text of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims **1 - 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ellis et al.** (US Patent No. 6,774,926) in view of **Killian** (US Patent No. 6,163,316).

Regarding Claim 1, Ellis discloses a receiver of data coming from many programs, the receiver comprising a first program receiving device, characterized in that the receiver moreover comprises:

- a) a plurality of other program receiving devices adapted to receive programs according to a pre-established criterion; (see Ellis Figure 1 (36 and 38); col. 1, lines 26-35; col. 3, lines 19-23; col. 9, lines 16-19; col. 3, lines 30-35: multiple viewers utilizing user equipment (i.e. receiving devices) for channels (i.e. programs), list of channels (i.e. programs) developed based on user preferences (i.e. pre-established criterion, user profile parameters), receiver devices connected via interface circuit (i.e. communications links))

Ellis does not disclose a reproduction (i.e. sound, audio, media) element and a switch (i.e. an interface). However, Killian discloses:

- b) a reproduction element; (see Killian col. 4, lines 20-28: reproduction (i.e. audio, media) generation element) and
- c) a switch, which is connected to the reproduction element, wherein the switch is adapted to selectively connect each of the plurality of program receiving devices to the reproduction element. (see Killian col. 4, lines 20-28; col. 5, lines 27-29: interface (i.e. switch) for reproduction element)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to utilize a reproduction (i.e. sound, audio, media) element and provide an interface (i.e. switch) as taught by Killian. One of ordinary skill in the art would be motivated to employ Killian in order to enable users to intelligently select, schedule, and record programs within a network connected environment. (see Killian col. 3, lines 27-33: "*... an electronic programming guide ... viewers to more intelligently select, schedule, and record viewing opportunities according to viewer profiles and information received ...*")

Regarding Claim 2, Ellis discloses a receiver as claimed in claim 1, characterized in that it comprises a program indication element which shows a list of the programs that correspond to said pre-established criterion. (see Ellis col. 3, lines 19-23; col. 13, lines 29-35, col. 13, lines 51-53: list of channels (programs) display based on predetermined set of rules (pre-established criterion) such as specific user preferences and user profile parameters (i.e. favorites))

Regarding Claim 3, Ellis discloses a receiver as claimed in claim 1, characterized in that the pre-established criterion corresponds to a certain number of programs higher than the number of receiving devices and in that the receiver comprises a program indication element which shows the list of a part of the programs evolving as a function of the user's choice. (see Ellis col. 13, lines 29-35, col. 13, lines 51-53; col. 9, lines 16-19: each user generates personal channels (programs) in addition to standard

(broadcast) channels, total number of channels is greater than number of user equipment (receivers), list of programs generated based on user preferences)

Regarding Claim 4, Ellis discloses a receiver as claimed in one of the claims 1, characterized in that the access of the programs takes place in a sequential manner by clearing and loading one of the receiving devices. (see Ellis col. 9, lines 41-44; col. 9, line 61 - col. 10, line 16: access to selected channels (programs) using user interface, user equipment (receiver) tuned to new channel after channel selection is completed, channel selection can be sequential)

Regarding Claim 5, Ellis discloses a receiver as claimed in one of the claims 1, characterized in that the programs come from the Internet. (see Ellis col. 1, lines 32-35; col. 3, lines 30-33: communications utilizing the Internet)

Regarding Claim 6, Ellis discloses a method of receiving data coming from many programs used in a receiver as claimed in one of the claims 1, characterized in that it comprises the following steps:

- a) making up a list of programs that may be received, (see Ellis col. 13, lines 29-35; col. 13, lines 51-53: list of channels (programs) generated)
- b) simultaneously receiving a plurality of programs of said list, (see Ellis col. 15, lines 40-47: simultaneous display of channel (program) and related channel (program) information)

- c) selecting one of the programs from said plurality. (see Ellis col. 9, lines 41-44; col. 9, line 61 - col. 10, line 16: access to selected channels (programs) using user interface, user equipment (receiver) tuned to new channel)

Regarding Claim 7, Ellis discloses a method as claimed in claim 6, characterized in that a change of said plurality clears at least one reception to receive another program of said list. (see Ellis col. 9, lines 41-44; col. 9, line 61 - col. 10, line 16: access to selected channels (programs) using user interface, user equipment (receiver) tuned to new channel after channel selection is completed)

Regarding Claim 8, Ellis discloses an apparatus, comprising:

- a) a receiver, (see Ellis col. 1, lines 26-35: a viewer (i.e. receiver)) including:
- b) a plurality of receiving devices; (see Ellis col. 1, lines 47-51: multiple user equipment (i.e. receiving devices))
- c) a reproduction element; (see Killian col. 4, lines 20-28: reproduction (i.e. sound, audio, media) generation element) and
- d) a switch connected to the reproduction element, wherein the switch is adapted to selectively connect each of the receiving devices to the reproduction element.
(see Killian col. 4, lines 20-28; col. 5, lines 27-29: an interface (i.e. a switch) for reproduction element)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to utilize a reproduction (i.e. sound, audio, media) element and provide an interface (i.e. switch) as taught by Killian. One of ordinary skill

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in the art would be motivated to employ Killian in order to enable users to intelligently select, schedule, and record programs within a network connected environment. (see Killian col. 3, lines 27-33)

Regarding Claim 9, Ellis discloses an apparatus as claimed in claim 8, wherein each of the plurality of receiving stations is adapted to process a program received from an interface circuit. (see Ellis col. 3, lines 30-33; col. 10, lines 30-33: programs processed utilizing communications link (i.e. an interface circuit))

Regarding Claim 10, Ellis discloses an apparatus as claimed in claim 8, wherein the receiver is adapted to receive a plurality of programs simultaneously and each of the plurality of receiving devices is adapted to receive one of the plurality of programs. (see Ellis col. 1, lines 26-35; col. 10, lines 30-33: multiple programs available to receiving devices, one of the programs received by receiving device)

Regarding Claim 11, Ellis discloses an apparatus wherein connects one of the receiving devices and one of the programs is provided. (see Ellis col. 1, lines 26-35; col. 1, lines 47-51: provide programs to receiving device) Ellis does not disclose a reproduction element and an interface (i.e. a switch)). However, Killian discloses an apparatus as claimed in claim 10, wherein the switch connects to the reproduction element and program is provided to the reproduction element (see Killian col. 4, lines 20-28; col. 5, lines 27-29: an interface (i.e. a switch) to utilizing reproduction element)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to utilize a reproduction (i.e. sound, audio, media) element and an interface (i.e. a switch) as taught by Killian. One of ordinary skill in the art would be motivated to employ Killian in order to enable users to intelligently select, schedule, and record programs within a network connected environment. (see Killian col. 3, lines 27-33)

Regarding Claim 12, 20, Ellis discloses a method wherein program receiving devices comprises a display screen. (see Ellis col. 9, lines 56-60: specific user interface (i.e. display screen) utilized by program receiving system) Ellis does not disclose the reproduction element. However, Killian discloses an apparatus and a method as recited in claims 8, 15, wherein utilizing a reproduction element. (see Killian col. 4, lines 20-28: reproduction (i.e. sound, audio, media) generation element)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to utilize a reproduction (i.e. audio, media) element as taught by Killian. One of ordinary skill in the art would be motivated to employ Killian in order to enable users to intelligently select, schedule, and record programs within a network connected environment. (see Killian col. 3, lines 27-33)

Regarding Claim 13, Ellis discloses an apparatus as claimed in claim 8, further comprising a remote control box having a plurality of positions, wherein each of the positions corresponds to a program of one of the receiving devices. (see Ellis col. 5,

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lines 48-53; col. 9, lines 32-38; col. 9, lines 41-44: remote control box utilized, multiple position controls (i.e. channel up/down buttons) utilized for program selection)

Regarding Claim 14, Ellis discloses an apparatus as claimed in claim 13, wherein the remote control box is adapted to change the program at each of the receiving devices. (see Ellis col. 5, lines 48-53; col. 11, lines 53-57; col. 11, lines 60-64: remote control box, password authentication enables program control over other receiving device)

Regarding Claim 15, Ellis discloses an apparatus as claimed in claim 14, wherein the remote control box is adapted to rotate the program from one of the receiving devices to another of the receiving devices. (see Ellis col. 5, lines 48-53; col. 11, lines 53-57; col. 11, lines 60-64: remote control device, password authentication enables program control over other receiving device)

Regarding Claim 16, Ellis discloses a method, comprising:

- a) receiving a plurality of programs; (see Ellis col. 1, lines 26-35: multiple programs available)
- b) providing simultaneously to each of a plurality of receiving devices a respective one of the plurality of programs; (see Ellis col. 1, lines 26-35; col. 1, lines 47-51; col. 10, lines 30-33: programs delivered to receiving devices) and

Ellis discloses providing one or the plurality of programs to receiving devices.

Ellis does not disclose a reproduction element. However, Killian discloses:

c) a reproduction element. (see Killian col. 4, lines 20-28: reproduction (i.e. audio, media) generation element)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to utilize a reproduction (i.e. sound, audio, media) element as taught by Killian. One of ordinary skill in the art would be motivated to employ Killian in order to enable users to intelligently select, schedule, and record programs within a network connected environment. (see Killian col. 3, lines 27-33)

Regarding Claim 17, Ellis discloses a method as claimed in claim 16, further comprising changing the plurality of programs provided to each of the receiving devices. (see Ellis col. 4, lines 55-58: change set of programs available to receiving devices)

Regarding Claim 18, Ellis discloses a method as claimed in claim 16, further comprising processing each of the programs provided to the plurality of receiving devices. (see Ellis col. 10, lines 18-22; col. 10, lines 30-33: processed programs provided to receiving devices)

Regarding Claim 19, Ellis discloses a method further comprising changing the one program provided. (see Ellis col. 9, lines 41-44: program change processed by receiving device) Ellis does not disclose the reproduction element. However, Killian discloses a method as recited in claim 17, further comprising the reproduction element. (see Killian col. 4, lines 20-28: reproduction (i.e. audio, media) generation element)

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to utilize a reproduction (i.e. sound, audio, media) element as taught by Killian. One of ordinary skill in the art would be motivated to employ Killian in order to enable users to intelligently select, schedule, and record programs within a network connected environment. (see Killian col. 3, lines 27-33)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Kyung H Shin
Patent Examiner
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March 28, 2006



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